

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3666 of 1991

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
5. Whether it is to be circulated to the Civil Judge? : NO

PARVATIBEN BHAVANBHAI PARMAR

Versus

STATE OF GUJARAT

Appearance:

MR PH PATHAK for Petitioner

MR SP HASURKAR for Respondents

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 02/11/1999

ORAL JUDGEMENT

#. The petitioner, by this special civil application, prayed for giving her compassionate appointment on the death of her husband. She was not given compassionate appointment and therefore she approached to this Court.

#. The respondents have not filed reply to the special civil application. It is the case of petitioner that her

late husband though was initially appointed on daily wages, in pursuance of the Government Resolution dated 17th October 1988, he was given all the benefits of a permanent employee, though his status may be deemed to be that of permanent daily wagger appointee, and as such, she is entitled for compassionate appointment. It has further been stated that the husband of the petitioner was working with the Department since 1978.

#. It is really shocking that in such matter, the respondents have not cared to file reply to the special civil application. In rarest of rare cases in Gujarat, as what my experience goes, a widow prays for compassionate appointment. In most cases, compassionate appointment in the State of Gujarat are prayed for as of right. Be that as it may, here a widow is praying for compassionate appointment and normally it should have been granted unless if under the Resolution or Rules, Regulations framed for regulating the compassionate appointment, she is not entitled for the same. The matter has to be considered by respondents and where her claim is not acceptable, a reasoned order should have been passed.

#. In the facts of the case, interest of justice will be met in case this special civil application is disposed of in the terms that the respondent No.1 is directed to decide the claim of the petitioner for compassionate appointment within a period of two months from the date of receipt of writ of this order. In case her claim is not acceptable, a reasoned order may be passed and a copy of the same may be sent to the petitioner by registered post A.D. Where her claim is acceptable, appropriate order may be passed of giving her employment. In case of difficulty, liberty is granted to the petitioner for revival of this special civil application by filing a simple note. Rule and special civil application stand disposed of accordingly with no order as to costs.

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